

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ZURICH AMERICAN INSURANCE COMPANY
and ZURICH SERVICES CORPORATION

Plaintiff[s],

-v-

Supreme Foodservice AG, Supreme
Foodservice GmbH, Supreme Group
Holding SARL, and Supreme Fuels FZE,

Defendant[s].

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No. 12 Civ. 9117 (RJS)
CASE MANAGEMENT PLAN AND
SCHEDULING ORDER

RICHARD J. SULLIVAN, District Judge:

Pursuant to Rules 16-26(f) of the Federal Rules of Civil Procedure, the Court hereby adopts the following Case Management Plan and Scheduling Order.

1. All parties (consent) (do not consent) to disposition of this case by a Magistrate Judge, pursuant to 28 U.S.C. § 636(c). *[Please circle one.] [If all consent, the remainder of the Order need not be completed at this time.]*
2. This case (is) (is not) to be tried to a jury. *[Please circle one.]*
3. No additional parties may be joined except with leave of the Court.
4. Amended pleadings may not be filed except with leave of the Court.
5. Initial disclosures pursuant to Rule 26(a)(1) shall be completed no later than April 28, 2013. *[Absent exceptional circumstances, within fourteen (14) days of the date of the parties' conference pursuant to Rule 26(f).]*
6. All fact discovery is to be completed no later than October 1, 2013. *[A period not to exceed 120 days unless the case presents unique complexities or other exceptional circumstances].*

7. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided that the parties meet the deadline for completing fact discovery set forth in ¶ 6 above.

- a. Initial requests for production of documents shall be served by May 13, 2013.
- b. Interrogatories shall be served by August 1, 2013.
- c. Depositions shall be completed by October 1, 2013.
 - i. Absent an agreement between the parties or an order from the Court, depositions are not to be held until all parties have responded to initial requests for document production.
 - ii. There is no priority in deposition by reason of a party's status as a plaintiff or a defendant.
 - iii. Absent an agreement between the parties or an order from the Court, non-party depositions shall follow initial party depositions.
- d. Requests to Admit shall be served no later than N/A.

8. All *expert* disclosures, including reports, production of underlying documents, and depositions shall be completed pursuant to the following deadlines:

- a. Expert(s) of Plaintiff(s) October 30, 2013.
- b. Expert(s) of Defendant(s) ~~October 30, 2013~~ Nov. 30, 2013.

[The parties shall be prepared to describe their contemplated expert discovery and the bases for their proposed deadlines at the initial conference.]

9. All discovery shall be completed no later than December 2, 2013.

10. The Court will conduct a post-discovery conference on Dec. 20, 2013 at 10:00am
[To be completed by the Court. The conference will be scheduled within three weeks of the close of all discovery.]

11. If either party contemplates a motion, the post-discovery conference will function as a pre-motion conference. Pre-motion letters are to be submitted by Dec. 2, 2013. *[To be completed by the Court. The deadline will be no later than two weeks prior to the post-discovery status conference.]* Pursuant to Rule 2.A of the Court's Individual Practices, responses to pre-motion letters are to be submitted within three business days from the date of service of the initial pre-motion letter. Pre-motion letters and responses shall be submitted to the chambers' email address at sullivanysdchambers@nysd.uscourts.gov.
12. If neither party contemplates a dispositive motion, the post-discovery conference will function as a pre-trial conference at which a trial date will be set.
13. Counsel for the parties request a settlement conference before a Magistrate Judge or the Southern District's Mediation Program and request: *[Please check one. All counsel must meet for at least one hour to discuss settlement not later than two weeks following the close of fact discovery.]*
- a. ☒ Referral to a Magistrate Judge for settlement discussions
- b. ☐ Referral to the Southern District's Mediation Program
[Note that all employment discrimination cases, except cases brought under the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., are designated for automatic referral to the Court's Alternative Dispute Resolution program of mediation. Accordingly, counsel in such cases should select 13(b) above.]

The parties are to contact MJ Maas by May 15, 2013. *[To be completed by the Court after consultation with the parties.]*

14. Parties have conferred and their present best estimate of the length of trial is five (5) days.

SO ORDERED.

DATED: April 11, 2013
New York, New York


RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE